

DECISION MEMO
RIVER GUIDE SU AUTHORIZATION RENEWALS
U.S. FOREST SERVICE – ASHLEY NATIONAL FOREST
FLAMING GORGE RANGER DISTRICT – DAGGETT COUNTY, UTAH

DECISION

A. Description

My decision is to approve the special use authorization renewal requests for the Green River Outfitter and Guides and Shuttle Operations located on the Flaming Gorge National Recreation Area of the Ashley National Forest.

These current permit holders are in good standing with their current authorizations for guiding and shuttle services on the Green River Corridor, Sections A & B (See Attached Map)

This decision will be implemented through the renewal of their existing Special Use Authorizations that meets the requirements of the decision, Forest Service regulations, and outlines the terms and conditions of use. The permittee's are responsible for remaining compliant with the terms of their allocations of use within Sections A & B of the Green River as part of Exhibit A - Operation and Maintenance Plan attached to and made part of their authorization.

B. Purpose of Decision

The purpose of this decision is to provide recreational visitors to the Green River with Outfitter & Guide and Shuttle services within the Flaming Gorge National Recreation Area.

This project is consistent with the Ashley's Land and Resource Management Plan (Forest Plan). The proposed project area is located within Management Area "n1" – "NRA Existing Situation." The facilities goals and objectives for recreation would be met which are identified on pages IV-18-20 of the Forest Plan.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.11, 31.12, or 31.2 and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of

exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

A. Category of Exclusion

The project is within the 36 CFR 220.6(e)(15) category of exclusion that includes the “Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.”

B. RELATIONSHIP TO EXTRAORDINARY CIRCUMSTANCES

1. Federally Listed Threatened or Endangered Species or Designated Critical Habitat, Species Proposed for Federal Listing or Proposed Critical Habitat, or Forest Service Sensitive Species

This project was reviewed by the Forest botanist, wildlife biologist, and fisheries biologist.

- **Wildlife Biologist** – *This project does not impact any terrestrial habitat, it is just a renewal of shuttle and guide services in relation to fishing on the Green River. None of the proposed renewals will be outside currently used sections of the Green River for guides, and the associated roads for shuttles. Since there is no impact to any terrestrial habitat, I find there is “No Effect” to Threatened/Endangered/Proposed species, and “No Impact” to any Regional Forest Service Sensitive Species.*
- **Botanist** – *Known *Spiranthes diluvialis* (Ute Ladies’ Tresses) populations and associated habitat exists along the banks of the Green River between the Little Hole Boat Ramp and the Forest Service boundary, which is within the project area for the outfitter/guide permit reauthorizations. After reviewing the specifications associated with the permits with the project leader, it is determined that the activities specified with the outfitter/guide permit reauthorization would have “No Effect” on individuals, populations, or habitat of Ute Ladies’ Tresses.*
There are no known proposed or Forest sensitive plant species within or adjacent to the project area; therefore, the determinations made above are appropriate with a high level of certainty.
Determinations are based upon best available science.
- **Fisheries Biologist / Biological Scientist** – *The proposed action of renewing special use permits for guiding and shuttle operations on the Green River will have no effect on aquatic TEP species or FS sensitive species because of the nature of proposed action.*

2. Floodplains, Wetlands, or Municipal Watersheds

This project was reviewed by a Forest soil scientist and a Forest hydrologist. This decision will not affect floodplains or wetlands.

- **Hydrologist** – *There are no concerns regarding hydrology. Though outfitters will be working in areas containing floodplains, wetlands, and municipal watersheds, their actions will not have an adverse effect.*

- **Soils** – *There are no concerns for soil resources with the renewal of these eight River Guide authorizations. Soil resources are not impacted because the outfitters use toilet facilities for their patrons and do not damage areas where they come ashore.*

3. Congressionally Designated Areas

The project is not in or near Wilderness or Wilderness Study areas. The project is within a National Recreation Area, however the Special Use Authorization is existing and would not create and adverse effect (See Project Record).

- **Recreation** – *The proposed action of renewing special use permits for guiding and shuttle operations on the Green River will have no adverse effect on recreation. It will continue to provide opportunities for recreationists on the Flaming Gorge National Recreation Area and activities on the Green River.*

4. Inventoried Roadless Areas

There are no inventoried roadless areas (RARE II or Forest Plan) in or near any of the decision areas. This decision will not affect inventoried roadless areas (see Project Record).

5. Research Natural Areas, Special Interest Areas

There is no candidate or designated Research Natural Areas (RNA) in or near the decision area.

6. American Indian and Alaska Native Religious or Cultural Sites

A cultural resource review was completed the Forest Service and there are no Native American religious or cultural sites within the project area. No tribal concerns have been identified for this project.

- **American Indians and Alaska Native religious or cultural sites** – *The permits allow activities that are temporary in nature and that do not affect any type of resource.*

7. Archaeological Sites, or Historic Properties or Areas

The proposed project area has been surveyed for heritage resources and no archaeological sites, Historic Properties or areas will be affected by the use or maintenance of the road included in this decision.

- **Archaeological sites, or historic properties or areas** – *The permits allow activities that are temporary in nature and that do not affect any type of resource.*

No other extraordinary circumstances related to the project were identified.

PUBLIC INVOLVEMENT

This project was submitted in our semi-annual project newsletter for the Flaming Gorge/Vernal Ranger Districts and was made available to the public on our Forest's web page on 11/06/2019. The project was also posted to the Schedule of Proposed Actions on the same day. In addition, the newsletter was sent out through Gov Delivery on 11/06/2019 as well to over 400 individuals.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Federal Land Policy and Management Act - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Forest Plans). The Ashley Forest Plan was approved in 1986 as required by this Act. The Act requires all projects and activities are consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section IB of this document and as follows.

This decision is consistent with the standards and guidelines contained in the Ashley Forest Plan, specifically Cultural Resources p. IV-20; Water and Soil Resource Management pp. IV-37 to IV-41; Wildlife, Fish, and Sensitive Plant Management pp. IV-28 to IV-31; and Recreation pp. IV-18-20.

Endangered Species Act - As required by this act, an evaluation was completed that addressed the potential effects to threatened and endangered species utilizing the project area. The project's biologist and botanist have determined that the project will not affect any federally listed species.

Sensitive Species (Forest Service Manual 2670) – Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species have been analyzed by the project's biologists and botanist. No aquatic or sensitive plant species would be impacted by this decision (see Project Record). A minor disturbance due to noise could have an effect on the following sensitive terrestrial species: spotted bat, Townsend's big-eared bat, boreal owl, flammulated owl, three-toed woodpecker, and northern goshawk. Therefore, a determination was made that this decision "may impact individuals, but would not cause a trend toward their federal listing or cause a loss of viability to the population of these species." on sensitive species. However, the project would be for a short duration of time and noise from the project would primarily occur in an area that currently receives disturbance from vehicular traffic and human presence. As a result, noise associated with the project is anticipated to have minimal effects to sensitive species (see Project Record). Therefore, implementation of this project will not cause a trend to federal listing or loss of viability for any species on the RFSS list for the Ashley National Forest.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - Wetlands are defined by this order as "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." This decision will not affect wetlands.

Floodplains (Executive Order 11988) - Floodplains are defined by this order as “. . . the lowland and relatively flat area adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.” This decision will not affect floodplains.

National Historic Preservation Act - Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register of Historic Places. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on agency undertakings. This decision complies with this Act. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A ‘no historic properties affected’ determination was made (see Project Record). Any unknown sites found within the project area will be avoided and protected. No tribal concerns were identified during the scoping process. This decision complies with this Act.

Archaeological Resources Protection Act - This Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. This decision complies with this Act. See Section II-B7 of this document.

Native American Graves Protection and Repatriation Act - This Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with this Act.

Wild and Scenic Rivers Act – There are no Wild and Scenic Rivers on the Ashley National Forest. This decision complies with this Act.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.12(f). “Decisions for actions that have been categorically excluded from documentation in an EA or EIS pursuant to FSH 1909.15, Chapter 30, section 31.

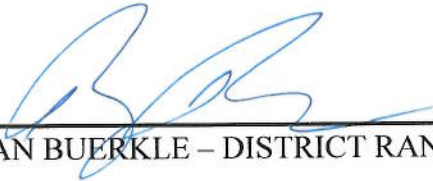
This decision is not subject to appeal pursuant to 36 CFR 251.86. Appeal of decisions relating to occupancy and use of National Forest System Lands.

IMPLEMENTATION DATE

Implementation of this decision may be implemented immediately.

CONTACT

For additional information concerning this decision, contact: Kevin Clegg, River Manager, at 435-781-5241 - Ashley National Forest, P.O. Box 325., Dutch John, Utah 84023


RYAN BUERKLE – DISTRICT RANGER

12/17/2019
DATE

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ATTACHED PROJECT MAP



